

FINDING OF NO SIGNIFICANT IMPACT

Department of Homeland Security-Federal Emergency Management Agency Port of Albany Security Operations Control Center in Albany, Albany County, New York 2009-PU-T9-K018 IJ#3

BACKGROUND

The Department of Homeland Security-Federal Emergency Management Agency (DHS-FEMA) plans to provide federal funding to the Port Authority of New York & New Jersey, as grantee, and the Albany Port District Commission (APDC), as sub-grantee, for the construction of a new Security Operations Control Center at 106 Smith Boulevard in Albany, Albany County, New York. The proposed project would be funded through the Port Security Grant Program (PSGP), under the authority of the *Maritime Transportation Security Act of 2002* (MTSA), as amended (46 U.S.C. §70107) and consistent with the SAFE Port Act (Public Law 109-347). The project site is within the Special Flood Hazard Area (100-Year Floodplain) of the Hudson River, as shown on the Albany City/Albany County Flood Insurance Rate Map (Community Panel Number 360001009C).

Pursuant to the National Environmental Policy Act and 44 CFR Part 9, DHS-FEMA and the sub-grantee evaluated alternatives to achieve enhanced security and enhanced capability of the Albany Port's Security Operations Control Center in order to address port vulnerabilities. Practicable alternatives to locating the project outside the Special Flood Hazard Area, and alternatives to construct the facility with risk minimization measures, were evaluated. The No Action alternative was evaluated and dismissed. The No Action alternative would not achieve port security improvements necessary to adhere to MTSA requirements. DHS-FEMA and the sub-grantee concluded that the port-security function of a new Security Operations Control Center must be located at the entrance gate at 106 Smith Boulevard and within the 100-Year floodplain. The alternative to construct the Security Operations Control Center at the main gate was refined with incorporation of floodplain management risk minimization measures. The new facility will be constructed with the lowest floor of the structure, and above-ground utilities, either elevated or floodproofed to at or above the 100-Year Base Flood Elevation (BFE).

PROJECT DESCRIPTION

The Applicant has elected to construct a 40 x 100 foot Security Operations Control Center. The building will be located at the main entrance to the Port of Albany terminal and will replace the existing security trailer currently used for this purpose. The investment will also include the cost to relocate the electronic security equipment including the command console, video wall comprising LCD monitors, digital video surveillance recorders and access control server used to manage all access control to the restricted areas of the Port of Albany. In order to accommodate the new construction footprint, the project will involve demolition of two existing buildings that have been determined not to be eligible for the National Register of historic properties.

An Environmental Assessment (EA) was prepared by FEMA and the Applicant, with the participation of the sub-grantee, Albany Port District Commission, to assess the proposed project's impacts on the human environment in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations for implementing NEPA (44 CFR Parts 1500 through 1508), and FEMA regulations for environmental consideration

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pertaining to NEPA compliance (44 CFR Part 10). The described action will not result in any known significant adverse impacts to geology, hydrology, air quality, floodplains, wetlands, water quality, wildlife and fisheries habitat, vegetation, socioeconomics, public safety or transportation. The proposed alternative has been reviewed, and to the best of our knowledge, does not have the potential for significant cumulative effects when combined with past, present or reasonably foreseeable future actions in the project area. The benefit of the new facility to the public outweighs the risks associated with its floodplain location. Risk of future flood damage will be minimized to the extent practicable.

The public comment period for the federal agency's EA was from November 4 – November 21, 2011. A public notice was issued in the Albany Times Union newspaper on November 4, 2011. No public comments were received during the public comment period.

CONDITIONS

The grant applicant must meet these conditions as part of the project. Failure to comply with these conditions may jeopardize Federal funds:

1. The proposed new building must be elevated or flood-proofed to at/above the Base Flood Elevation (20ft NGVD) of the Special Flood Hazard Area to comply with Executive Order 11988, 44CFRPart9, and the National Flood Insurance Program.
2. The grantee and sub-grantee are responsible for obtaining and complying with all required local, State and Federal permits and approvals. The sub-grantee and grantee are responsible for reviewing and fulfilling any potential obligation to complete a Short Environmental Assessment Form for the proposed action per the State Environmental Quality Review (SEQR) Act (Article 8 of Environmental Conservation Law).
3. Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders.
4. The Applicant and its construction contractor(s) must conduct construction utilizing best management practices to limit noise, dust, sedimentation and erosion during construction.

The sub-grantee must also adhere to the following conditions during project implementation that were identified in the Finding of No Significant Impact, issued in July 2010, for the Programmatic Environmental Assessment (PEA) for Grant Programs Directorate Projects:

1. Excavated soil and waste materials will be managed and disposed of in accordance with applicable local, state and federal regulations. If contaminated materials are discovered during construction activities, the work will cease until the appropriate procedures and permits are implemented.
2. The grantee and sub-grantee will follow applicable mitigation measures as identified in Section 7 of the Programmatic Environmental Assessment (PEA) for Grant Programs Directorate Project to the maximum extent possible.
3. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the grantee and sub-grantee will immediately halt construction activities in the vicinity of the discovery, secure the site, and take reasonable measures to avoid or minimize harm to the finds. The grantee and/or sub-grantee must inform FEMA and the

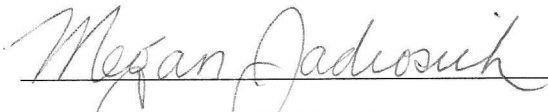
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New York State Historic Preservation Office immediately. FEMA will consult with the State Historic Preservation Office (SHPO) and/or Tribal Historic Preservation Officer (THPO) or appropriate Tribal official. Construction work cannot resume until FEMA completes consultation, and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act and other applicable Federal and State regulations.

FINDINGS

In accordance with NEPA and 44CFRPart10, based upon the findings of the EA and adherence to project conditions, FEMA has determined that the proposed action will have no significant adverse impact on the quality of the human environment. As a result of this Finding of No Significant Impact (FONSI), an Environmental Impact Statement will not be prepared and the proposed project as described in the EA may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED:



Megan Jadrosich, PMP, CFM
Regional Environmental Officer
Federal Emergency Management Agency, Region II



Date